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GRANVILLE, OHIO 43023-1200



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## **FAX TRANSMITTAL**

MAY 12 2006

Date: May 12, 2006

No. of Pages: 10 (Including this page)

To: Central Facsimile Number

From: Jan Hostasa

Of: USPTO

Fax: (740) 321-8024

Fax: (571) 273-8300

Phone: (740) 321-7168

SUBJECT: Petition to Revive

Serial No.: U.S. Patent Application 10/647,858, filed August 25, 2003

I hereby certify that a Petition to Revive is being transmitted to the Central Facsimile Number, at the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on May 12, 2006.

May 12, 2006

(Date of Deposit)

Jan Hostasa

(Name of Depositor)

*Jan Hostasa*  
(Signature)

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PTO/SB/84 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
25068B

First named inventor: Aschenbeck

Application No.: 10/647,858

Art Unit: 1762

Filed: August 25, 2003

Examiner: Parker

Title: METHOD OF DEPOSITING GRANULES ONTO A MOVING SUBSTRATE

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MAY 12 2006

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity -- fee \$ 1500.00 (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1703.00

- ☐ has been paid previously on \_\_\_\_\_
- ☒ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/15/2006 HGUTERH1 00000094 500568 10647858

01 FC:1453 1500.00 DA

MAY 12 2006

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

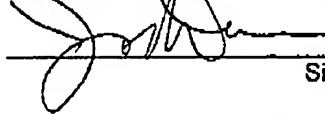
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature

5-12-06

Date

James J. Dottavio

Typed or printed name

40,360

Registration Number, if applicable

2790 Columbus Road, Bldg. 11-7

Address

740/321-7167

Telephone Number

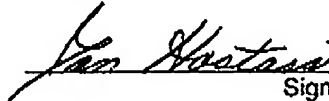
Granville, Ohio 43023-1200

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.5/12/06  
Date

Signature

Jan Hostasa

Typed or printed name of person signing certificate

Attorney Docket No.: 25068B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 12 2006

In re Patent Application of:	)	
Aschenbeck	)	
	)	
Serial No.: 10/647,858	)	
	)	
Confirmation No.: 4208	)	Group Art Unit: 1762
	)	
Filed: August 25, 2003	)	
	)	
For: Method Of Depositing Granules Onto	)	Examiner: Parker
A Moving Substrate	)	

**STATEMENT FOR PETITION TO REVIVE ABANDONED**  
**APPLICATION UNDER 37 C.F.R. § 1.137(B)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

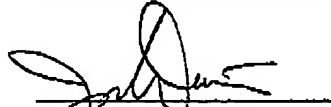
Applicants submit this Statement as an attachment to the Petition For Revival Of An Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) (Form PCT/SB/64) to revive the above captioned application. The abandonment was unintentional.

The abandonment was due to failure to timely file the issue and publication fees. A copy of the Notice of Abandonment is enclosed as Exhibit A. Applicant submitted the issue and publication fees via facsimile on February 24, 2006. A copy of this submission is enclosed as Exhibit B. The docket clerk mistakenly sent this document to the previous facsimile number for acceptance of issue fees. The previous facsimile number had been coded into the facsimile machine for automatic transmittal. The docket clerk was not aware that a new facsimile number had been issued, therefore it was not coded into the machine. Although the fees were timely authorized and transmitted, they were not received by the Patent Office. It had been assumed that the documents were successfully transmitted until the receipt of the Notice of Abandonment (Exhibit A).

The Notice of Abandonment is dated May 4, 2006, and this Petition is promptly and diligently filed within one month of the date of the Notice of Abandonment.

Applicants respectfully request that all necessary fees be charged to Deposit Account 50-0568.

Respectfully submitted,



James J. Dottavio  
Reg. No. 40,360  
Owens Corning  
Patent Dept., Bldg. 11  
2790 Columbus Road  
Granville, Ohio 43023  
(740) 321-7167

Date: 5-12-06

*EXHIBIT A*

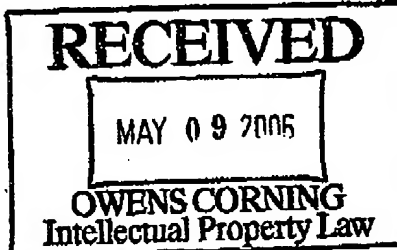
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,858	08/25/2003	David P. Aschenbeck	25068B	4208

22889 7590 05/04/2006

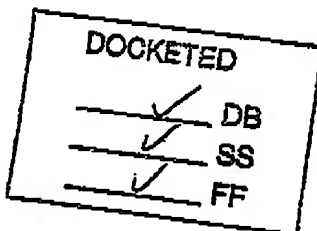
OWENS CORNING  
2790 COLUMBUS ROAD  
GRANVILLE, OH 43023



EXAMINER	
PARKER, FREDERICK JOHN	
ART UNIT	PAPER NUMBER
1762	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Abandonment**

Application No.

10/647,858

Examiner

PARKER, FREDERICK JOHN

Applicant(s)

David P. Aschenbeck

Art Unit

1762

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office

Part of Page No. 0

May. 12. 2006 11:01AM

Owens Corning

No. 4952 P. 8

**EXHIBIT B**

P. 1

\* \* \* Memory TX Result Report ( Feb. 24. 2006 11:18AM ) \* \* \*

1) Owens Corning  
2) 7403218024

Date/Time: Feb. 24. 2006 11:11AM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
4012	Memory TX	PTO:ISSUE FEES	P. 2	E-3) 3)	P. 1-2

Reason for error

E. 1) Hang up or line fail  
E. 3) No answer  
E. 5) Exceeded max. E-mail size

E. 2) Busy  
E. 4) No facsimile connection

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### FAX TRANSMITTAL

Date: February 24, 2006

No. of Pages: 2 (including this page)

To: Issue Fees

From: Jan Hostata

Of: USPTO

Fax: (740) 321-8024

Fax: (703) 746-4000

Phone: (740) 321-7168

SUBJECT: Issue Fee Transmittal

Serial No.: U.S. Patent Application 10/647,858, filed August 25, 2003

I hereby certify that the Issue Fee transmittal for the above noted case is being transmitted to Issue Fees, at the U.S. Patent and Trademark Office (Fax No. (703) 746-4000) on February 24, 2006.

February 24, 2006

Jan Hostata

(Date of Deposit)

(Name of Depositor)

(Signature)

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## FAX TRANSMITTAL

Date: February 24, 2006

No. of Pages: 2 (Including this page)

To: Issue Fees

From: Jan Hostasa

Of: USPTO

Fax: (740) 321-8024

Fax: (703) 746-4000

Phone: (740) 321-7168

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February 24, 2006  
(Date of Deposit)

Jan Hostasa  
(Name of Depositor)

(Signature)

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